

Atty. Docket 6173-4007US

REMARKS

Claims 12-23 are now pending in this application. Claims 12, 13 and 20 have been amended and claim 23 has been added by this Amendment.

The Office Action dated May 19, 2004 objected to claims 12 and 20 for informalities; rejected claims 13 and 18 as being indefinite under 35 U.S.C. 112, second paragraph; and rejected claims 12-22 as being anticipated by U.S. Patent No. 6,729,929 to Sayers et al. Applicants respectfully submit that the objection and two rejections are overcome or traversed by this Response and request a Notice of Allowance.

Claim Objections

The grounds for the objection to claims 12 and 20 are set forth in part 1 on page 2 of the Office Action. The objection points out that the word "all" in line 3 of claim 12 should be "call" and that the word "hand-ff" in claim 20 should be "hand-off." Applicants have overcome the claim objections by making the noted corrections.

Indefiniteness Rejections

The grounds for the indefiniteness rejection of claims 13 and 18 are set forth in part 2 of page 2 of the Office Action. The rejection states that each one of claims 13 and 18 is indefinite because it depends from a cancelled claim. Applicants have amended the claims to make claim 13 dependent on claim 12 instead of claim 2 and to make claim 18 dependent on claim 12 instead of claim 1. Applicants respectfully submit that the indefiniteness rejection has been overcome by the amendments to claims 13 and 18.

Anticipation Rejection

The grounds for the rejection of claims 12-22 as being anticipated by U.S. Patent No. 6,729,929 to Sayers et al are set forth in part 4 on pages 3-5 of the Office Action. The rejection states that U.S. Patent No. 6,729,929 to Sayers et al is prior art under 35 U.S.C. 102(e) and relies upon the communication system illustrated in Figs. 1 and 2 of Sayers et al (this communication system hereinafter being referred to simply as "Sayers"). Applicants respectfully traverse the anticipation rejection at least because it fails to establish a prima facie case that Sayers contains each and everyone of the combination of features recited in claims 12-22.

Atty. Docket 6173-4007US

For example, independent claim 12 is directed to a communications network and recites a central controller "which provides a conference call facility"; means at the central controller for receiving a hand-off required indication and "opening a conference call channel as a second communication channel" for a call already engaged via a first communication channel; and means for handing over said call. Independent claim 19 is directed to a method of effecting handover of a call in a communications network comprising a central controller which "provides a conference call facility" and in which the central controller receives a hand-off required indication and "opens as a second communication channel a conference call channel" and handover of said call is effectuated. Thus, according to the claims, handovers can be performed using conference call functionality rather than having to provide new functionality with which to control the handover.

As made clear at, for example, pages 2 and 16-17 of the original specification, conference calls relate to communications having three or more end users. The rejection relies upon col. 9, lines 42-55, and col. 10, lines 4-10, of U.S. Patent No. 6,729,929 for the feature of a central controller that provides a conference call facility. These cited portions read as follows:

"The conventional public wireless network 15 of FIG. 1 includes the mobile stations (MS) 4, Base Station Sub-System (BSS) 5 and the Network Sub-System (NSS) 6. The Base Station Subsystem (BSS) 5 is composed of the Base Transceiver Stations (BTSs) 12 and the Base Station Controller (BSC) 16. Each of the BTSs 12 includes a radio transceiver that defines the radio boundary of a cell 11 and handles the radio (Um) interface protocols with the mobile stations 4. The cells 11, in the wireless public network 15, of FIG. 1 each exist over a different area and together the cells 11 collectively exist over a larger area designated as a region 111. Each cell 11 in the region 111 uses frequencies that are isolated from the frequencies of other cells in the region." Col. 9, lines 42-55 (underlining added)

"The Base Station Controller (BSC) 16 manages the radio resources of one or more BTSs across an Abis interface. The BSC 16 controls the radio network, including allocation of radio time slots to mobile stations 4, release of resources, interpretation of measurement results and control of radio interface handovers. The BSC 16 interfaces to the NSS 6 via an A-interface to MSC 17." Col. 10, lines 4-10 (underlining added)

Assuming that the Base Station Controller (BSC) 16 in Sayers is meant to be the central controller, there is absolutely no indication that BSC 16 provides a conference call facility. Although the cited portions do refer to functions performed by BSC 16 in Sayers, these functions do not include the conference call facility. Therefore, the rejection fails to establish a prima facie case that Sayers has this recited feature.

For the feature of receiving a hand-off required indication and opening a conference call channel as a second communication channel, the rejection does not cite any portion of the patent.

Atty. Docket 6173-4007US

While the previous cited portions mention handovers and that BSC 16 controls radio interface handovers, it fails to describe or disclose teach opening a conference call channel as a second communication channel. Applicants simply cannot find any indication that Sayers includes conference call channels or that Sayers opens a conference call channel as a second communication channel in response to a hand-off required indication and traverses this portion of the rejection.

Finally, the rejection asserts that the feature of effectuating the hand-over is inherent in Sayers. While Sayers may perform handovers, they are frequency handovers and radio interface handovers (col. 9, line 57, and col. 10, lines 8-9). Sayers et al. relates to a system for controlling base station transmitter parameters in a communications system. The parameters include transmitting frequency and transmitting power, and to avoid interference with other cells the parameter for a particular cell is based on the parameters for other cells, and may be used to control a frequency handover. So while some handovers may be inherent in Sayers, Sayers does not suggest and it is NOT inherent that Sayers would effectuate handovers by opening a conference call channel as a second communication channel as recited in the claims.

New Claim 23

New independent claim 23 is similar to claim 12 except that it additionally recites the feature that the central controller is operable to multiplex the first and second communications channels. In addition to the reasons set forth above, especially wherein the Examiner has suggested that the type of handovers recited in the claims are inherent in Sayers, it most certainly is not inherent to multiplex two channels as in a conference call facility. In the frequency handovers, a call proceeds on a first channel until quality on a second channel is deemed adequate and it is then merely handled over to the second channel without using a conference call facility.

Atty. Docket 6173-4007US

Please charge any fees due in connection with the filing of this Amendment, to Deposit Account No. 02-4270 (Dkt. No. 6173-4007US) and please credit any overpayment or excess fees to such deposit account.

Respectfully submitted,



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